

CASE DECISION LIST

Court of Appeals, Eighth Appellate District

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July 14, 2022

110778 JUVENILE COURT DIVISION F Civil C.P.-Juv, Dom, Probate
IN RE: D.S.

Affirmed.

Emanuella D. Groves, J., Mary Eileen Kilbane, P.J., and Mary J. Boyle, J., concur.

KEY WORDS: *Motion for leave to appeal; App.R. 5; R.C. 2945.67; record on appeal; App.R. 9; Civ.R. 5(E); Bistricky appeal; serious youthful offender dispositional sentence; SYO sentence; R.C. 2152.13; R.C. 2152.021(A); written notice; oral notice; R.C. 2151.28; Juv.R. 29; Juv.R. 30; procedural; substantive; abuse of discretion; motion for continuance; blanket policy.*

A juvenile court does not have to wait 20 days following its amenability determination to give the state time to file a notice of intent to seek an SYO sentence when the juvenile seeks to enter admissions to the complaint. However, the juvenile court erred to the extent that it applies a blanket policy when deciding the state's motion for a continuance to give the state time to file a notice of intent to seek an SYO sentence after the court orally announced its amenability determination. The court must weight the competing interests and exercise its discretion when deciding such a motion.

110783 COMMON PLEAS COURT E Civil C.P.-Not Juv, Dom Or Prob
L.M.W. v B.A., ET AL.

Affirmed.

Emanuella D. Groves, J., Eileen A. Gallagher, P.J., and Lisa B. Forbes, J., concur.

KEY WORDS: *Civil stalking protection order; R.C. 2903.211; sufficiency of evidence; manifest weight of the evidence; pattern of conduct; mental distress.*

We affirm the trial court's judgment granting a civil stalking protection order. The evidence was sufficient to demonstrate that respondent engaged in a pattern of conduct against the petitioner that caused her to suffer mental distress.

110826 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v TAYVON LANIER

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Affirmed.

Anita Laster Mays, P.J., Michelle J. Sheehan, J., and Eileen T. Gallagher, J., concur.

KEY WORDS: *Self-Defense; Crim.R. 29 motion; hearsay; confrontational clause; and Reagan Tokes Act.*

The appellant's claim of self-defense was not supported by sufficient evidence. The trial court did not err in denying appellant's Crim.R. 29 motion because the appellant testified that he shot the victim. The admittance of medical record evidence was not hearsay or against the confrontational clause of the Constitution because the appellant admitted to shooting the victim. The Reagan Tokes Act is not unconstitutional and does not violate the separation-of-powers doctrine.

110923	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v KIM KORAN			

Affirmed.

Lisa B. Forbes, J., Kathleen Ann Keough, P.J., and Eileen A. Gallagher, J., concur.

KEY WORDS: *Manifest weight of the evidence; sufficiency of the evidence; sex offenses; possessing criminal tools; mens rea; knowing; recklessly; purposely.*

Evidence showed that the defendant knew, or acted recklessly in that regard, that the person he was messaging was allegedly 15 years old as part of an undercover operation targeting individuals interested in sexual activity with minors.

110949	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v DONALD REED WHITE			

Affirmed.

Lisa B. Forbes, J., Sean C. Gallagher, A.J., and Michelle J. Sheehan, J., concur.

KEY WORDS: *Guilty plea; forfeiture; waiver of error on appeal.*

Defendant pled guilty to various offenses including forfeiture specifications. By pleading guilty, he waived appealable errors that did not preclude him for entering a knowing, voluntary, and intelligent plea. Therefore, his argument that the court improperly imposed forfeiture is waived on appeal.

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111044 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v JULIO RENTAS

Affirmed.

Kathleen Ann Keough, P.J., Eileen T. Gallagher, J., and Emanuella D. Groves, J., concur.

KEY WORDS: *Speedy trial; constitutional; Barker factors; prejudice; findings.*

Trial court did not err in granting defendant's motion to dismiss. After weighing the Barker factors, considering the entire record, and affording deference to the trial court's findings of fact, the state violated Rentas's constitutional right to a speedy trial. An almost forty-year delay is presumptively prejudicial; the delay was primarily caused by the state failing to change the known incorrect information contained on the warrant; the defendant asserted his right in a timely manner; and the defendant demonstrated sufficient prejudice where missing or destroyed evidence, and the death of at least one witness, impaired his defense.

111059 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v DAVID A. THOMPSON

Affirmed.

Sean C. Gallagher, A.J., Anita Laster Mays, J., and Eileen A. Gallagher, J., concur.

KEY WORDS: *Voluntary manslaughter; felonious assault; sentence; consecutive; maximum prison term; R.C. 2929.144(B)(2); Reagan Tokes Law; constitutional; ineffective assistance of counsel.*

The trial court's imposition of an indefinite sentence for voluntary manslaughter and felonious assault was upheld and the appellant's constitutional challenges and claim of ineffective assistance of counsel were overruled.

111153 COMMON PLEAS COURT A Criminal C.P.
STATE OF OHIO v OMAR GUZMAN

Affirmed in part, vacated in part, and remanded.

Lisa B. Forbes, J., Michelle J. Sheehan, P.J., and Cornelius J. O'Sullivan, Jr., J., concur.

KEY WORDS: *Felony sentencing; the Reagan Tokes Law; R.C. 2929.19(B)(2)(c) indefinite sentencing notification requirements.*

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(Case 111153 continued)

The trial court failed to comply with the notification requirements in R.C. 2929.19(B)(2)(c) when it sentenced the defendant to an indefinite sentence under the Reagan Tokes Law.

111168	COMMON PLEAS COURT	A	Criminal C.P.
STATE OF OHIO v JACOB OWENS			

Affirmed and remanded.

Kathleen Ann Keough, J., Anita Laster Mays, P.J., and Cornelius J. O'Sullivan, Jr., J., concur.

KEY WORDS: *Maximum sentence; consecutive sentences; R.C. 2929.11; R.C. 2929.12; sexual battery; attempted escape; contrary to law; R.C. 2929.14(C)(4); nunc pro tunc entry.*

Maximum sentences imposed for defendant's offenses of sexual battery and attempted escape were not contrary to law where the sentences were within the statutory range for the offenses and the trial court considered R.C. 2929.11 and 2929.12 when imposing the sentences; trial court made the necessary findings under R.C. 2929.14(C)(4) to impose consecutive sentences but the matter was remanded for the trial court to issue nunc pro tunc sentencing entries because the trial court failed to incorporate its consecutive-sentence findings into its sentencing entries.